

### **REMARKS**

This amendment is responsive to the Office Action dated November 27, 2006. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Claims 1-4 were previously pending in the application. Claims 1-4 have been rejected. The Office Action rejected Claims 1 and 3-4 under 35 U.S.C. 102(b) as being anticipated by the Liff et al. reference (U.S. Patent No. 5,797,515), and has rejected Claim 2 as being unpatentable over the Liff et al. reference in view of the Frederick et al. reference (U.S. Patent No. 6,112,502). Applicants respectfully request reconsideration of Claims 1-4 in view of the Remarks set forth herein.

Specifically, Applicants would like to point out an important distinction between the claimed invention and the disclosure of the Liff et al. reference. Independent Claim 1 of the present application recites, *inter alia*, the following: “a handheld device programmed to: read the indicia associated with an item for which a restock is desired; receive quantity information associated with the read indicia; and transfer the information associated with the read indicia and the quantity information to enable a restocking package to be prepared.” By dependency this claim recitation is included in Claims 2-4. Thus, the handheld device of the present invention not only reads indicia associated with an item for which restock is desired, *but also* receives quantity information associated with the read indicia. Likewise, not only does the handheld device of the present invention transfer the information associated with the read indicia, *but also* transfers the quantity information.

By contrast, the Liff et al. reference does not teach or suggest a handheld device that reads indicia *and* receives quantity information. Nor does the Liff et al. reference teach or suggest a handheld device that transfers the information associated with the read indicia *and* the quantity information. Rather, the Liff et al. reference merely teaches comparing a package bar code label with a column bar code label before loading the package into the column, and recording the number of bottles in each column. This comparison may take place visually as the

Liff et al. reference does not explicitly teach or suggest scanning either the package bar code label or the column bar code label to perform the comparison. *See* col. 6, lines 45-67.

Moreover, the Liff et al. reference only teaches scanning the package bar code label as a package is dispensed, merely making the silence by the Liff et al. reference in regards to the receipt of quantity information even more telling. *See* col. 6, lines 51-54. Likewise, the Liff et al. reference does not teach or suggest a handheld device that transfers quantity information that was received. Rather, software of the Liff et al. reference tracks what has been dispensed and maintains the inventory. *See* col. 14, line 6 - col. 15, line 1; col. 7, lines 14-23; col. 6, lines 45-67; col. 18, lines 20-41. Because the handheld device of the Liff et al. reference only teaches scanning the package bar code label as a package is dispensed, there is no received quantity information for the Liff et al. handheld device to transfer.

The Frederick et al. reference also fails to cure the deficiencies of the Liff et al. reference. Thus, because either alone or combination, neither the Liff et al. reference nor the Frederick et al. reference includes every element of independent Claim 1, Applicants respectfully submit that independent Claim 1, and the claims that depend therefrom, are patentable over the cited references.

### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully submit that all of the Claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Nguyen is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 10/820,213  
Amdt. dated 02/26/2007  
Reply to Office action of November 27, 2006

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

**/R. Flynt Strean/**

R. Flynt Strean  
Registration No. 56,450

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON FEBRUARY 26, 2007.